TRAVANCORE GOVERNMENT GAZETTE, SUPPLEMENT.

TUESDAY, 20th December 1898

Abstract Proceedings of the Travancore Legislative Council.

The Council met in the Dewan's room, Public Offices, at 3 P. M. on Saturday the 17th December 1898. / 4th Dhanoo 1074.

PRESENT.

M. R. Ry. K. Krishnaswamy Rao Avergal, Dewan Bahadur, F. M. U., Dewan ... ... *Presiding.*

M. R. Ry. P. Thanu Pillai Avergal, M. A.

M. R. Ry. T. Rajaram Row Avergal, B. A.

Mr. I. H. Prince.

M. R. Ry. E. Ramier Avergal.

Mr. K. K. Kuruvila, B. C. E.

VAKILS REGULATION AMENDMENT BILL.

Mr. Ramier.—At the meeting of the Council held on the 20th August last, I obtained permission to introduce this Bill. I have already explained the object and scope of the Bill in the Statement of Objects and Reasons, and I do not think any lengthy explanation is necessary at this stage. I have retained in the Bill the present law in reference to the appointment of Vakils. At present they are appointed by the High Court and are removable only for misconduct. The system of taking out licenses does not obtain in this country. Though I have followed the Legal Practitioners Act of British India in various other respects, I think it is unnecessary to follow it in respect to the yearly or periodical obtaining of licenses. Even in British India, Vakils of the High Court are not subject to this rule.

There are one or two other points, I might mention, in which the provisions of the present law have been modified. One of them relates to the remuneration to the Vakils which it is left to the High Court to adjudge as between the successful and the unsuccessful party. Our present law fixes the rates but the British Act has left it to the High Court, to be regulated by rules passed in that behalf. The fixing of the scale of remuneration in the Regulation itself is inconvenient in various ways. It is not only in regular suits and appeals that these costs have to be awarded but in miscellaneous matters as well. The principle adopted by the British Act in empowering the High Court to fix the rates from time to time is more convenient and and suitable, and I have therefore adopted it in the Bill.

Another matter in which the Bill supplements our present law is in the case of touts. Gentlemen, you are aware that the law relating to touts embodied in the Bill formed the subject of much discussion two years back, and the Legal Practitioners Act was amended by a subsequent Act of the Governor-General in Council. That amendment underwent a great deal of discussion in the hands of the several High

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Courts and of the Bar. It was at first proposed that criminal punishment should be provided for touts, but as the result of a great deal of discussion the provisions which I have now adopted in the Bill were passed as law. Though I belong to the Bar, I must say with regret that the practice of touting exists to a certain extent in this country also. At any rate it is better to have some provision which might prevent any abuse in that direction.

In regard to the procedure for dealing with the misconduct of Vakils we have no detailed provisions in our law. I have adopted the provisions of the British Indian Act with some modifications.

With these remarks I beg to propose under rule 63 that the Bill be read in Council and its principle affirmed.

Mr. Kuruvila.—Considering the advance made in recent years in legal forms and technicalities and the pressing competition among pleaders in the higher Courts of the country, I agree with my learned friend the Mover in thinking that it is desirable now to reconsider the question of the qualifications, privileges and duties of Vakils, and the standard by which their valuable and faithful services can be valued in cases of disputed and unsettled remuneration. Much of the details will, no doubt, have to be left untouched by the Bill and confided to rules and orders that the discretion of the High Court may decide upon. But I observe that the Bill itself proposes to modify in some important respects the present position not only of Vakils but also of clients and middle men. As, however, my acceptance of the motion now before the Council will not preclude me from raising at a later stage the objections I have to the principles involved in certain sections of the Bill taken individually, I beg to support the motion with this reservation.

Mr. Prince.—I think the principle of the Bill may be affirmed. It is an extremely good Bill. In all civilized countries they have got rules to regulate the conduct of legal practitioners towards the Bench and to their clients. I think the Bill is very necessary. The details may well be left to the Select Committee.

The Council having affirmed the principle of the Bill, Mr. Ramier proposed that it be referred to a Select Committee consisting of Messrs. Rajaram Rao, Thanu Pillai, Prince and the Mover, to report within four months.

Seconded by Mr. Kuruvila.

Carried.

CRIMINAL PROCEDURE CODE AMENDMENT BILL.

Mr. Thanu Pillai.—With the permission of the President, I beg to propose a few verbal amendments :—

In section II of the Bill, insert the following between "section 4" and 'clause *i*'

"'clause *h*' (2) omit the word 'such' before 'proceedings' and add the words 'under this Code' after 'proceedings' and in."

The amendment is purely verbal. Para 1 of clause (*h*) does not contain the word 'proceedings.' Hence reference to 'such proceedings' in the second para is meaningless.

Seconded by Mr. Prince.

Carried.

Mr. Thanu Pillai.—In section VIII of the Bill, omit 'and' before "seventhly" and add the following at the end :—

"and

Eighthly.—Any released convict committing a breach of any rule made under section 434."

This amendment refers to section 35 of the Code which deals with cases in which the Police may arrest without warrant. Section 434 of the Code provides that, in certain cases, old offenders may be directed to give notice of their place of

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